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WASHINGTON DC 20001-5303

In re Application of:
FINAROV et al.
U.S. Application No.: 10/724,113
Filing Date: 01 December 2003
Atty Docket No.: FINAROV3A
For: METHOD AND SYSTEM FOR
MEASURING PATTERNED
STRUCTURES

DECISION ON PETITION

This decision is issued in response to the "COMMUNICATION" requesting acceptance of a copy of a submission originally filed on 13 June 2006, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 01 December 2003, applicant filed a Transmittal Letter for a new U.S. application under 35 U.S.C. 111(a) accompanied by, among other materials, payment of the basic filing fee.

On 03 May 2006, an Office action was mailed to applicant indicating that claims 1-96 were subject to restriction and/or election requirements. On 13 June 2006, applicant allegedly filed a response.

On 29 November 2006 and 4 January 2007, the instant petition considered herein was filed. The petition asserts that, on 13 June 2006, applicant filed a timely response to the 3 May 2006 Office action. A copy of the previously filed response and a copy of a return postcard that itemizes the 13 June 2006 submission and bears a USPTO receipt stamp dated 13 June 2006 accompany the petition.

DISCUSSION

Based on the statements in the present petition and the itemized return postcard bearing the USPTO receipt stamp, it is concluded that materials accompanying the present petition (including the Response to the election requirement) were originally filed herein on 13 June 2006 as a timely response to the Office action mailed 03 May 2006.

CONCLUSION

The petition under 37 CFR 1.181 to accept a copy of the response filed on 13 June 2006 in

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application 10/724,183 with a filing date of 13 June 2006 is **GRANTED**.

The "Response" accompanying the present petition will be treated as having been filed on 13 June 2006.

This application is being returned to Art Unit 2877 for consideration of the response originally filed on 13 June 2006.



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